

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW  
930 RICHLAND STREET  
P.O. BOX 8416  
COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
RANDOLPH R. LOWELL  
ELIZABETH ZECK\*  
BENJAMIN P. MUSTIAN  
MICHAEL R. BURCHSTEAD  
ANDREW J. MACLEOD

\*ALSO ADMITTED IN TX

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

TRACEY C. GREEN  
ALAN WILSON  
SPECIAL COUNSEL

February 22, 2010

**VIA ELECTRONIC MAIL**  
**AND HAND DELIVERY**

B. Randall Dong, Esquire  
Staff Counsel  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Application of United Utility Companies, Inc. for adjustment of rates and charges and modifications to certain terms and conditions for the provision of water and sewer service. Docket No.: 2009-479-WS

Dear Mr. Dong:

I am writing to you in your capacity as hearing officer in the above-referenced docket. The purpose of this letter is to state, in advance of the scheduled night hearings in this case (the first of which is on Tuesday, February 23, 2010), the Applicant's objection to the Commission's receipt of any customer testimony consisting of unsubstantiated complaints regarding customer service, quality of service, or customer relations issues.

The basis for this objection is that the receipt and reliance upon such testimony would deny the Applicant due process of law, permit customers to circumvent complaint procedures established under law and Commission regulation for the determination of such matters, and is an inappropriate basis for the determination of just and reasonable rates. In support of this objection, the Applicant cites *Patton v. Public Service Commission*, 280 S.C. 288, 312 S.E.2d 257 (1984), the order of the Court of Common Pleas in *Tega Cay Water Service, Inc. v. S.C. P.S.C.*, C/A No. 97-CP-40-0923, September 25, 1998, and the Commission's Order No. 1999-191, Docket No. 96-137-WS, dated March 16, 1999.

I would respectfully request that this objection be noted in the record of this case by you in advance such that contemporaneous and repeated objections by counsel for the

Applicant will not be required at the start of each night hearing. This continuing objection would also apply to documents and testimony elicited from customers under examination by the Office of Regulatory Staff, other parties of record, or the Commission. The Applicant submits that this procedure will provide an efficient method of affording it the procedural protections it deems necessary and limit the time that would necessary for the Commission to address this issue at each night hearing. Based upon the Commission's prior practice, the Applicant does not expect that this objection would be ruled on at or prior to the night hearing. The Applicant understands that the other parties of record have the right to state a position on this objection and I am making them aware of same by copy of this letter.

If you have any questions, or if you need any additional information, please do not hesitate to contact us.

Sincerely,

WILLOUGHBY & HOEFER, P.A.



Benjamin P. Mustian

BPM/cf  
Enclosures

cc: Nanette S. Edwards, Esquire  
Duke K. McCall, Jr., Esquire  
William H. Jordan, Esquire  
Janet Marks